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 Attorneys for SunEarth, Inc. and The Solaray Corporation

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

SUNEARTH, INC., a California corporation,
 and THE SOLARAY CORPORATION, a
 Hawaiian corporation,

Plaintiffs,

vs.

SUN EARTH SOLAR POWER CO., LTD.
 (f/k/a Ningbo Solar Electric Power Co., Ltd.),
 a Chinese limited liability company,
 NBSOLAR USA INC., a California
 corporation, and DOES 1-10,

Defendants.

Case No. 11-cv-4991 CW (JCS)

**ORDER GRANTING PRELIMINARY
 INJUNCTION**

Date: February 2, 2012
 Time: 2:00 p.m.
 Judge: Honorable Claudia Wilken
 Courtroom: 4

This cause having been heard upon motion by Plaintiffs SunEarth Inc. and The Solaray Corporation for a preliminary injunction, due notice given to Defendants Sun Earth Solar Power Co. Ltd., f/k/a Ningbo Solar Electric Power Co., Ltd., and NBSolar USA Inc. and having read the parties' papers and considered their arguments, evidence and the relevant legal authority, and good cause appearing,

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED

2 That Defendants and their officers, agents, servants, affiliates, employees, and attorneys,
3 and all those acting in concert or participation with any of them who receive actual notice of this
4 Order, are HEREBY ENJOINED:

- 5 1. From using or continuing to use the words "SUN EARTH" (with or without a space or
6 capitalization or hyphen), either alone or in conjunction with any other words or
7 symbols, or any phonetically or visually similar words or symbols in any combination,
8 as a trademark, service mark or trade name within the United States, its territories or
9 possessions (the "Territory");
- 10 2. From using or continuing to use the words "SUN EARTH" (with or without a space or
11 capitalization or hyphen), either alone or in conjunction with any other words or
12 symbols, or any phonetically or visually similar words or symbols in any combination,
13 in, or in connection with, any marketing or advertising or any other promotional
14 materials viewable within the Territory;
- 15 3. From using or continuing to use the words "SUN EARTH" (with or without a space or
16 capitalization or hyphen), either alone or in conjunction with any other words, as an
17 keyword or other triggering mechanism to generate any internet advertising viewable
18 within the Territory;
- 19 4. From importing into the Territory any goods upon which the words "SUN EARTH"
20 (with or without a space or capitalization or hyphen), either alone or in conjunction with
21 any other words or symbols, or any phonetically or visually similar words or symbols in
22 any combination, appears or are shown on the packaging for such goods;
- 23 5. Upon either Plaintiff's request, the top level domain (TLD) Registry for SunEarth.us
24 (Neustar, Inc.) shall, within thirty (30) days of receipt of this Order, place that domain
25 name on Registry Hold status, thus removing it from the TLD zone files maintained by
26 the Registry which link the domain name to the internet protocol address where the
27 associated website is hosted.
- 28 6. This preliminary injunction shall take effect immediately upon Plaintiffs filing with the

1 Court evidence of a bond in the sum of \$5,000.00.

2 7. Defendants shall file with the Court and serve on Plaintiffs, within thirty-five (35) days
3 after this Order takes effect, a report in writing and under oath, setting forth in detail the
4 manner and form in which Defendants have complied.

5 8. This preliminary injunction shall continue in effect until final judgment in this case,
6 unless ordered otherwise.

7 9. Nothing in this Order shall preclude Defendants from registering any country code top
8 level domain [such as .cn (for China) or .de (for Germany)], except for the .us country
9 code top level domain, which contains the words "SUN EARTH" (with or without a
10 space or capitalization or hyphen), either alone or in conjunction with any other words,
11 or from publishing one or more websites at any of those country code top level domains.

12 DATED: February 2, 2012

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14 Claudia Wilken
15 United States District Court Judge
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